

REMARKS/ARGUMENTS

The Non-Final office action of August 18, 2005 has been carefully reviewed and these remarks are responsive thereto. Reconsideration and allowance of the instant application are respectfully requested. By this amendment, claims 1, 19-23, 30, 31 and 36 have been amended and new claim 43 has been added. No new matter has been added. Claims 1-4, 6, and 9-43 are pending.

Claims 19-23 were rejected under 35 U.S.C. 101 as being directed to non-statutory subject matter. This rejection is respectfully traversed.

Claims 19-23, as amended, recite a computer-readable medium. It is respectfully submitted that claims 19-23 are allowable. Withdrawal of the rejection is requested.

Claims 1, 4, 6, 9-12, 14-27, and 30-40 were rejected under 35 U.S.C. §103(a) as being unpatentable over Odom (U.S. Patent No. 6,058,379) in view of Boushy (U.S. Patent No. 5,761,647) and further in view of Goldhaber (U.S. Patent No. 5,855,008). These rejections are respectfully traversed.

Claim 1 recites that the interactive provider server and the real-time interactive content is tailored to the transmission and reception capabilities of the client. The Office Action admits that Odom fails to teach or suggest this feature but relies on Boushy to make up for the deficits of Odom. However, contrary to the Office Action's assertion, Boushy fails to cure the identified deficits of Odom.

Boushy discloses data pertaining to customers at a casino being made available to other casinos (col. 1, lines 54-67; col. 2, lines 1-67). The Office Action asserts that Boushy discloses "content tailored to the transmission and reception capabilities of the client" in the abstract and at col. 7, lines 1-67 and col. 8, lines 1-44. This assertion is erroneous. In fact, Boushy fails to teach or suggest this feature at all. In the abstract, Boushy discloses that customer information is accumulated at each casino through a LAN-based management system and saved in a central database (CPDB). Customer information is updated as additional information is received. This has nothing to do with tailoring content to the transmission and reception capabilities of the client. In fact, customer information is stored in the central database in the same manner no matter what the transmission or reception capabilities of the client are.

Also, at col. 7, lines 1-67, Boushy discloses a process of transferring customer data from a central database in a LAN and WAN. This also is unrelated to tailoring content to the transmission and reception capabilities of the client. Transmission and reception capabilities of the client are not addressed at all in Boushy. Also, at col. 8, lines 1-44, Boushy discloses transferring customer data from a distributed database in a LAN and WAN. This is also unrelated to tailoring content to the transmission and reception capabilities of the client.

To establish *prima facie* obviousness of a claimed invention, all the claim features must be taught or suggest by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). In the present case, the cited references, either alone or in combination, fail to teach or suggest all claim features. The rejection should be withdrawn.

In addition, there is no motivation to combine Odom and Boushy as the Office Action proposes. The Office Action states that it would have been obvious to combine the Odom and Boush because “clients may be computer systems having different transmission/reception capabilities, ... which creates problems when making data available to the customer.” Office Action, page 4. This is not a motivation to combine references, however, but rather is the conclusion the examiner has apparently reached after having benefited from reading Applicant’s own disclosure, and is thus impermissible hindsight. Indeed, neither Odom nor Boushy, either alone or in combination, recognize any “problems when making data available to the customer.” On the contrary, Odom discloses an auction system in which data is made available to customers without any stated “problem” and Boushy discloses providing casino customer information to casinos, also without any disclosure of any “problems.” Nor do either of Odom or Boushy, alone or in combination, teach or suggest that any disclosure in the other reference would result in resolution of any such “problems” (not having identified any such alleged “problems” in the first place).

The Federal Circuit has repeatedly stated that the limitations of a claim cannot be used as a blueprint to piece together prior art in hindsight, *In re Dembiczak*, 50 U.S.P.Q.2d 1614 (Fed. Cir. 1999), and that the Patent Office should *rigorously* apply the requirement that a teaching or motivation to combine prior art references needs to be provided. *Id.* (emphasis added). Thus, Applicants respectfully submit that that there is no motivation or suggestion to combine Odom, which discloses a network-based auction system, with Boushy, which discloses sharing casino

customer information among different casinos. Even assuming that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning, as is often argued by the Office, the Office Action provides no evidence that the combination takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, nor does the Office Action provide any evidence that the combination does not include knowledge gleaned only from Applicant's disclosure. Thus, the combination is an improper combination based on hindsight.

Furthermore, the Office Action admits that Odom and Boushy, either alone or in combination, fail to teach or suggest a page that can be configured by the client to display the pertinent information according to the preferences of a user of the client stored by the interactive provider server. However, the Office Action relies on Goldhaber to make up for the identified deficits of Odom and Boushy. Contrary to the Office Action's assertion, Goldhaber fails to cure the identified deficits of Odom and Boushy.

Goldhaber discloses "attention bidding" for advertisers to bid for a viewer's attention (col. 4, lines 57-67). A customer profile is formed based on the customer's answers to directed questions (col. 7, lines 12-22). The advertisements presented to a customer are pre-selected for the customer on the basis of the personal profile questionnaire previously completed by the customer (col. 7, lines 28-33). However, Goldhaber fails to teach or suggest that the page can be configured *by the client* or that the page displays pertinent information (i.e., information *pertinent to the real-time interactive content*). In fact, Goldhaber fails to teach or suggest real-time interactive content and therefore, cannot teach or suggest the pertinent information at all.

The combination of Odom, Boushy and Goldhaber fails to teach or suggest all the claim elements. Therefore, the rejection should be withdrawn.

Also, there is no motivation to combine the references as proposed by the Examiner. The Office Action states that it would have been obvious to combine the Odom and Boushy references with Goldhaber because "users are provided with a page that is easy to comprehend and has specific and targeted content." Office Action, page 5. Again, this is not a motivation to combine references, however, but rather is the conclusion the examiner has apparently reached after having benefited from reading Applicant's own disclosure, and is thus impermissible hindsight.

The combination of Odom and Boushy fails to teach or suggest that either the auction system of Odom or the casino customer database of Boushy is not “easy to comprehend” or that they lack “specific and targeted content.” In fact, Odom discloses that the auction system is “an improved ... system” and that it “overcomes ... deficiencies of prior systems.” See Odom, col. 2, lines 29-31. Likewise, Boushy discloses that the casino database system “provides casino employees ... with on-line access to customer data ... and to provide personalized services to customers.” See Boushy, col. 2, lines 13-16. Odom’s system has specific and targeted content, namely, auction information of specific items for sale. Boushy’s database has specific and targeted content, namely, casino customer information. Hence, both Odom and Boushy suggest that their respective systems are “easy to comprehend” and have “specific targeted content.” There would have been no motivation to one of ordinary skill in the art, given the disclosure of Odom and Boushy that are purportedly “easy to comprehend” and having “specific and targeted content” to then combine the Goldhaber reference ostensibly to obtain data that is “easy to comprehend” and having “specific and targeted content” given the fact that the data is already “easy to comprehend” and had “specific and targeted content.” Even assuming that the data of both Odom and Boushy was somehow not “easy to comprehend” and lacked “specific and targeted content,” there is no disclosure in any of Odom, Boushy, or Goldhaber, either alone or in combination, that combining Goldhaber with Odom and Boushy would result in data that is easier to comprehend or that had more specific and targeted content. Indeed, the Goldhaber reference is unrelated to either auction systems (the Odom reference) or casino customer information (Boushy reference) and would not have resulted in more “more specific and targeted” auction content or casino customer information content.

For all of these reasons, the rejection should be withdrawn.

Claims 14, 19, 30, 31, and 36 are allowable for at least the reasons set forth above for claim 1. Claims 4, 6, 9-12, 14-18, 20-27, 33-35, and 37-40 depend from one of claim 1, 14, 19, 30, 31, or 36 and are allowable for at least the reasons set forth above.

Claims 4 and 13 were rejected under 35 U.S.C. §103(a) as being unpatentable over Odom, Boushy, and Goldhaber and further in view of Gerace (U.S. Patent No. 5,848,396). This rejection is respectfully traversed.

Claims 4 and 13 depend from claim 1. As set forth above, the combination of Odom, Boushy, and Goldhaber fails to teach or suggest the subject matter of claim 1. Gerace fails to cure the identified deficits of Odom, Boushy and Goldhaber.

Gerace also fails to teach or suggest a page that can be configured by the client to display the pertinent information (pertinent to the real-time interactive content) according to preferences of a user of the client stored by the interactive provider server. Likewise, Gerace fails to teach or suggest the real-time interactive content being tailored to the transmission and reception capabilities of the client. The Office Action asserts that Gerace discloses a screen view formatted to user preferences of color and presentation of details. Even assuming this to be true, Gerace, like Odom, Boushy and Goldhaber, still fails to teach or suggest the page configured by the client, the page displaying pertinent information or real-time interactive content being tailored to the transmission and reception capabilities of the client. The rejection should be withdrawn.

Claim 2 was rejected under 35 U.S.C. §103(a) as being unpatentable over Odom, Boushy, and Goldhaber, and further in view of Jancke (U.S. Patent No. 5,764,913). This rejection is respectfully traversed.

Claim 2 depends from claim 1. As set forth above, the combination of Odom, Boushy, and Goldhaber fails to teach or suggest the subject matter of claim 1. Jancke fails to cure the identified deficits of Odom, Boushy and Goldhaber.

Jancke also fails to teach or suggest a page that can be configured by the client to display the pertinent information (pertinent to the real-time interactive content) according to preferences of a user of the client stored by the interactive provider server. Likewise, Jancke fails to teach or suggest the real-time interactive content being tailored to the transmission and reception capabilities of the client. The Office Action asserts that Jancke icons in the form of traffic lights. Even assuming this to be true, Jancke, like Odom, Boushy and Goldhaber, still fails to teach or suggest the page configured by the client, the page displaying pertinent information or real-time interactive content being tailored to the transmission and reception capabilities of the client. The rejection should be withdrawn.

Claim 3 was rejected under 35 U.S.C. §103(a) as being unpatentable over Odom, Boushy, and Goldhaber, and further in view of Goldberg (U.S. Patent No. 6,712,702). This rejection is respectfully traversed.

Claim 3 depends from claim 1. As set forth above, the combination of Odom, Boushy, and Goldhaber fails to teach or suggest the subject matter of claim 1. Goldberg fails to cure the identified deficits of Odom, Boushy and Goldhaber.

Goldberg also fails to teach or suggest a page that can be configured by the client to display the pertinent information (pertinent to the real-time interactive content) according to preferences of a user of the client stored by the interactive provider server. Likewise, Goldberg fails to teach or suggest the real-time interactive content being tailored to the transmission and reception capabilities of the client. The Office Action asserts that Goldberg discloses a player information area. Even assuming this to be true, Goldberg, like Odom, Boushy and Goldhaber, still fails to teach or suggest the page configured by the client, the page displaying pertinent information or real-time interactive content being tailored to the transmission and reception capabilities of the client. The rejection should be withdrawn.

Claims 28, 29, 41, and 42 were rejected under 35 U.S.C. §103(a) as being unpatentable over Odom, Boushy, Goldhaber, and further in view of Stronach (U.S. Patent No. 6,666,769). This rejection is respectfully traversed.

Claims 28, 29, 41, and 42 depend from claim 1 or claim 36. As set forth above, the combination of Odom, Boushy, and Goldhaber fails to teach or suggest the subject matter of claim 1. Stronach fails to cure the identified deficits of Odom, Boushy and Goldhaber.

Stronach also fails to teach or suggest a page that can be configured by the client to display the pertinent information (pertinent to the real-time interactive content) according to preferences of a user of the client stored by the interactive provider server. Likewise, Stronach fails to teach or suggest the real-time interactive content being tailored to the transmission and reception capabilities of the client. The Office Action asserts that Stronach discloses displaying live feed video. Even assuming this to be true, Stronach, like Odom, Boushy and Goldhaber, still fails to teach or suggest the page configured by the client, the page displaying pertinent

information or real-time interactive content being tailored to the transmission and reception capabilities of the client. The rejection should be withdrawn.

New claim 43 is believed to be allowable over the cited art for at least the reasons discussed above with respect to independent claim 36.

CONCLUSION

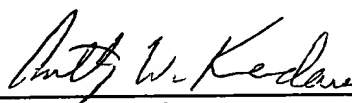
It is believed that no fee is required for this submission. If any fees are required or if an overpayment is made, the Commissioner is authorized to debit or credit our Deposit Account No. 19-0733, accordingly.

All rejections having been addressed, applicant respectfully submits that the instant application is in condition for allowance, and respectfully solicits prompt notification of the same.

Respectfully submitted,

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